

ITEM NO.2

COURT NO.9

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CONMT.PET.(C) No. 178/2015 In SLP(C) No. 30350/2014

SHRI JANAK RAJ ANEJA THROUGH ITS POWER OF ATTORNEY HOLDER RAJESH ANEJA
Petitioner(s)

VERSUS

DALJEET SINGH

Respondent(s)

Date : 04-08-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE PRAFULLA C. PANTFor Petitioner(s) Mr. Rajat Aneja, Adv.
Ms. Chandrika Gupta, Adv.
Mr. K. N. Rai, AORFor Respondent(s) Mr. R.K.Dash, Sr. Adv.
Mr. Mohd. Irshad Hanif, AOR
Mr. Aarif Ali Khan, Adv.
Mr. Muzahid Ahmed, Adv.UPON hearing the counsel the Court made the following
O R D E R

Through this contempt petition, the applicant has complained disobedience of this Court's Order dated 22.11.2014 passed in SLP(C) No. 30350 of 2014 whereby the said petition was dismissed and his tenant-Daljeet Singh was allowed to vacate the suit premises by 31.03.2015. He was further directed to pay Rs. 2,77,000/- to the landlord and to clear the dues of arrears of rent

also. It was further directed by this Court that Rs. 50,000/- p.m. shall be paid by the tenant as occupational charges for the period from November, 2014 till March, 2015.

The opposite party of the contemnor has filed an affidavit in response to the notice issued by this Court. In his affidavit, it has been stated that the suit premises were vacated on 31.01.2015 and the landlord has already let out the premises in question to one Arun Nagariya.

It is admitted by learned counsel for the applicant-landlord that the possession of the premises have already been handed over, but the dues are not cleared. It is also conceded that approximately an amount of 4,00,000/- including Rs. 2,77,000/- was paid but still the much is due to be paid.

Learned counsel for the opposite party-contemnor in reply to above pointed out that there was a litigation pending between the parties as to the actual dues claimed by the applicant.

In the above facts and circumstances of the case and keeping in view that the premises rented out to the opposite party have been vacated within the time allowed by this Court and that except for the disputed sum, the amount has been paid as mentioned above, we are of the opinion that it cannot be said that the opposite party has committed wilful disobedience this Court's order.

Accordingly, Contempt petition (C) No. 178 of 2015 is

dismissed and without any further action in the matter without prejudice to the rights of the parties in respect of litigation pending relating to the dues claimed.

(SHASHI SAREEN)
AR CUM PS

(S. SIVARAMAKRISHNA)
ASST.REGISTRAR